

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Ultima Circuits, LLC  
4361 Pell Drive  
Sacramento, California 95838

ID No: CAD 983 576 760

Respondent

Docket HWCA 20040428

ENFORCEMENT ORDER

Health and Safety Code  
Section 25187

INTRODUCTION

1.1. Parties. The State Department of Toxic Substances Control (Department) issues this Enforcement Order (Order) to Ultima Circuits, LLC (Respondent).

1.2. Site. Respondent generates and treats hazardous waste at the following site: 4361 Pell Drive in Sacramento, California (Site).

1.3. The Respondent generates the following hazardous waste: Ignitable wastes, spent hazardous rinse waters containing cyanide and dissolved metals from electroplating operations (e.g., lead, copper, silver), spent corrosive etching solution, spent corrosive cleaning solutions, used oil, and hazardous metal-bearing residues from waste water treatment. The Respondent treats the following hazardous wastes onsite under a Permit by Rule: Hazardous metal-bearing rinse waters from electroplating operations and hazardous spent corrosive cleaning and etching solutions containing dissolved metals.

1.4. Jurisdiction. Section 25187 of the Health and Safety Code authorizes the Department to order action necessary to correct violations and assess a

penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

#### DETERMINATION OF VIOLATIONS

2. The Department has determined that:

2.1. The Respondent violated California Code of Regulations, title 22, section 66265.193 in that the Respondent failed to provide secondary containment for eight hazardous waste treatment tanks located outdoors, including an underground hazardous waste tank system.

2.2. The Respondent violated California Code of Regulations, title 22, section 66265.192 in that the Respondent has operated tanks comprising hazardous waste treatment units and failed to prepare a certified written hazardous waste tank assessment for eight of the hazardous waste treatment tanks and associated ancillary equipment.

2.3. The Respondent violated California Code of Regulations, title 22, section 66264.175 in that the Respondent failed to prepare a required certified written assessment showing that six containers used to treat hazardous corrosive waste are equipped with adequate secondary containment.

2.4. The Respondent violated Health and Safety Code section 25201 in that Respondent laundered soiled textiles (i.e., rags contaminated with solvent) without authorization. Respondent had employees in the maintenance department take the soiled textiles home and launder them in the employees' washing machines, potentially exposing the employees and their families to hazardous solvent wastes.

### SCHEDULE FOR COMPLIANCE

3. Based on the foregoing Determination of Violations, IT IS HEREBY ORDERED THAT:

3.1.1.1. To address the violations described in sections 2.1 and 2.2 of this Order, Respondent shall prepare, and submit to the Department via certified mail, return receipt requested, a complete certified tank system assessment for all above ground hazardous waste tank systems pursuant to California Code of Regulations, title 22, section 66265.192. The assessment shall be postmarked no later than January 31, 2005. The assessment must be certified by an independent, registered professional civil or mechanical engineer.

3.1.1.2. Regarding the underground hazardous waste tank system owned and operated by Respondent, Respondent has decided to close that system under supervision of the Sacramento County Environmental Management Department, the local Certified Unified Program Agency. The Respondent shall achieve closure of the underground tank system by January 31, 2005. Within 30 days of achieving closure, the Respondent shall submit to the Department a written statement or certificate from the local Certified Unified Program Agency verifying that the underground hazardous waste tank system has been closed pursuant to applicable regulatory and statutory standards. If Respondent fails to achieve closure according to the schedule agreed upon by the Respondent and the local Certified Unified Program Agency, the Department may initiate an additional enforcement action and assess additional penalties.

3.1.2. On May 26, 2004, Respondent submitted a statement to the Department that the containers previously used to treat hazardous waste are no longer being used to treat hazardous waste as described in the violation in section 2.3 of this

Order. In the future, the Respondent shall not use any containers to treat hazardous waste under a Permit by Rule unless the Respondent provides adequate secondary containment for the containers, and prepares a certified written assessment showing the six containers used to treat hazardous corrosive waste are equipped with adequate secondary containment pursuant to California Code of Regulations, title 22, section 66264.175. No further action is required on the part of Respondent at this time with respect to this violation.

3.1.3. On May 26, 2004 Respondent submitted a statement to the Department that the violation described in section 2.4 of this Order has been addressed and soiled textiles are no longer being sent home with employees to be laundered. No further action is required on the part of Respondent at this time with respect to this violation.

3.2. Submittals. All submittals from a Respondent pursuant to this Order shall be sent simultaneously to:

Mr. Charles A. McLaughlin, Branch Chief  
State Oversight and Enforcement Branch  
Statewide Compliance Division  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, California 95826-3200

Mr. Dennis Green  
Hazardous Materials Program Manager  
Sacramento County Environmental Management Department  
8475 Jackson Road, Suite 240  
Sacramento, California 95842

3.3. Communications. All approvals and decisions of the Department made regarding submittals and notifications will be communicated to Respondent in writing by the Branch Chief, Department of Toxic Substances Control, or his/her

designee. No informal advice, guidance, suggestions, or comments by the Department regarding reports, plans, specifications, schedules, or any other writings by Respondent shall be construed to relieve Respondent of the obligation to obtain such formal approvals as may be required.

3.4. Department Review and Approval. If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Order fails to comply with the Order or fails to protect public health or safety or the environment, the Department may:

- a. Modify the document as deemed necessary and approve the document as modified, or
- b. Return the document to Respondent with recommended changes and a date by which Respondent must submit to the Department a revised document incorporating the recommended changes.

3.5. Compliance with Applicable Laws: Respondent shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

3.6. Endangerment during Implementation: In the event that the Department determines that any circumstances or activity (whether or not pursued in compliance with this Order) are creating an imminent or substantial endangerment to the health or welfare of people on the site or in the surrounding area or to the environment, the Department may order Respondent to stop further implementation of this Order for such period of time as needed to abate the endangerment. Any deadline in this Order directly affected by a Stop Work Order under this section shall be extended for the term of the Stop Work Order.

3.7. Liability: Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent. Notwithstanding compliance with the terms of this Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

3.8. Site Access: Access to the site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any agency having jurisdiction. Nothing in this Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. The Department and its authorized representatives shall have the authority to enter and move freely about all property at the Site at all reasonable times for purposes including but not limited to: inspecting records, operating logs, and contracts relating to the Site; reviewing the progress of Respondent in carrying out the terms of this Order; and conducting such tests as the Department may deem necessary. Respondent shall permit such persons to inspect and copy all records, documents, and other writings, including all sampling and monitoring data, in any way pertaining to work undertaken pursuant to this Order.

3.9. Data and Document Availability. Respondent shall permit the Department and its authorized representatives to inspect and copy all sampling, testing, monitoring, and other data generated by Respondent or on Respondent's behalf in any way pertaining to work undertaken pursuant to this Order. Respondent shall allow the Department and its authorized representatives to take duplicates of any samples collected by Respondent pursuant to this Order. Respondent shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Order. All such data, reports, and other documents shall be preserved by Respondent for a

minimum of six years after the conclusion of all activities under this Order. If the Department requests that some or all of these documents be preserved for a longer period of time, Respondent shall either comply with that request, deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. Respondent shall notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Order.

3.10. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to the Order.

3.11. Incorporation of Plans and Reports. All plans, schedules, and reports that require Department approval and are submitted by Respondent pursuant to this Order are incorporated in this Order upon approval by the Department.

3.12. Extension Request: If Respondent is unable to perform any activity or submit any document within the time required under this Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

3.13. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

#### OTHER PROVISIONS

4.1. Additional Enforcement Actions: By issuance of this Order, the Department does not waive the right to take further enforcement actions.

4.2. Penalties for Noncompliance: Failure to comply with the terms of this Order may also subject Respondent to costs, penalties, and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

4.3. Parties Bound: This Order shall apply to and be binding upon Respondent, and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations.

4.4. Time Periods. "Days" for purposes of this Order means calendar days.

#### PENALTY

5. Based on the foregoing DETERMINATION OF VIOLATIONS, the Department sets the amount of Respondent's penalty at \$85,000. Payment is due within 30 days from the effective date of the Order. Respondent's check shall be made payable to the Department of Toxic Substances Control, and shall identify the Respondent and Docket Number, as shown in the heading of this case. Respondent shall deliver the penalty payment to:

Department of Toxic Substances Control  
Accounting Office  
1001 I Street, 21st floor  
P. O. Box 806  
Sacramento, California 95812-0806



A photocopy of the check shall be sent to:

Mr. Charles A. McLaughlin, Branch Chief  
State Oversight and Enforcement Branch  
Statewide Compliance Division  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, California 95826-3200

RIGHT TO A HEARING

6. Respondent may request a hearing to challenge the Order. Appeal procedures are described in the attached Statement to Respondent.

EFFECTIVE DATE

7. This Order is final and effective twenty days from the date of mailing, which is the date of the cover letter transmitting the Order to Respondent, unless Respondent requests a hearing within the twenty-day period.

Date of Issuance October 18, 2004

Charles A. McLaughlin  
Charles A. McLaughlin, Chief  
State Oversight and Enforcement Branch  
Department of Toxic Substances Control

---

Ultima Circuits, LLC  
Docket No.: HWCA 20040428